

PATENT COOPERATION TREATY

PCT

PCT Application
PCT/CN2004/000373INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 030886pc	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/CN2004/000373	International filing date (day/month/year) 19. April 2004(19.04.2004)	Priority date (day/month/year) 18. April 2003(18.04.2003)
International Patent Classification (IPC) or national classification and IPC Int.Cl ⁷ : C08L77/00, C08G69/02		
<p>Applicant SHANGHAI GENIUS ADVANCED MATERIAL CO., LTD. et al.</p> <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 3 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>		
Date of submission of the demand 15. Nov . 2004 (15. 11. 2004)	Date of completion of this report 18. July 2005(18. 07. 2005)	
Name and mailing address of the IPEA/CN The State Intellectual Property Office, the P.R.China, 6 Xitucheng Rd., Jimen Bridge, Haidian District, Beijing, China 100088 Facsimile No. 86-10-62019451	<p>Authorized officer Tang Shaohua</p> <p>Telephone No. 8610-62085637</p> <div style="text-align: right;"> </div>	

Box No. I Basis of the report

1. With regard to the language, this report is based on:

the international application in the language in which it was filed

a translation of the international application into _____, which is the language of a translation furnished for the purposes of:

international search (Rules 12.3(a) and 23.1(b))

publication of the international application (Rule 12.4(a))

international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished

pages * _____ received by this Authority on _____

pages * _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished

pages * _____ as amended (together with any statement) under Article 19

pages * _____ received by this Authority on _____

pages * _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished

pages * _____ received by this Authority on _____

pages * _____ received by this Authority on _____

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____

the claims, Nos. _____

the drawings, sheets/figs _____

the sequence listing (*specify*): _____

any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/000373

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-10	YES
	Claims _____	NO
Inventive step (IS)	Claims 1-10	YES
	Claims _____	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document 1 (D1): JP5 – 345856 A (TOYOBO KK)

None of the documents cited in the Search Report discloses a toughened nylon as disclosed in claims 1-4, a process of producing the toughened nylon as disclosed in claims 5-9 and the use of the toughened nylon as disclosed in claims 10, the subject-matters of claims 1-10 have the novelty (Art. 33(2) PCT).

D1 is the closest prior art to claims 1-10 and has disclosed a polymer complex comprise (A) aromatic polyamide soluble in at least one of lactam, amino acids and aliphatic nylon salts and (B) aliphatic polyamide resin and a process of producing the polymer complex by polymerizing ϵ -caprolactam and 6-amino-caproic acid in presence of aromatic polyamide (see the whole document). But, the toughened nylon in this application is obtained by homopolymerizing or copolymerizing lactams or corresponding aminoacids in presence of a long-chain nylon, the long-chain nylon is different from the aromatic polyamide as disclosed in document 1, and the toughening effect attained in this application is superior to that of document 1, because the toughened nylon in this application has only one melting peak measured by DSC. So the subject-matters of claims 1-10 can not be regarded as being obvious from the prior art and involve an inventive step (Art. 33(3) PCT).

The subject-matter of claims 1-10 should be considered to meet the requirements of Article 33(4) PCT.